

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/613,525	07/03/2003	Hiroyasu Inoue	890050.433	4555	
500	7590 09/11/2006		EXAMINER		
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300			HESS, BRUCE H		
			ART UNIT	PAPER NUMBER	
SEATTLE, WA 98104-7092			1774		
			DATE MAILED: 09/11/200	DATE MAILED: 09/11/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summan	10/613,525	INOUE ET AL.				
Office Action Summary	Examiner	Art Unit	_			
	Bruce H. Hess	1774				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE						
Status	/ A 1	٦١				
1) Responsive to communication(s) filed on	20-06 (Amendme	2~7)				
2a) ☐ This action is FINAL . 2b) ☒ This	S Responsive to communication(s) filed on 6-20-06 (Amendment) This action is FINAL. 2b) This action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is						
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4) Claim(s) 1-27 is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-2.7</u> is/are rejected.	6)[X Claim(s) 1-27 is/are rejected.					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examiner	•					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents	1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents	2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Address of the second of the s						
Attachment(s) 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date					
3) Information Disclosure Statement(s) (PTO/SB/03) Peper No(e)/Mail Date 6	5) Notice of Informal Pa	atent Application				
S Patent and Trademark Office	6)					

Application/Control Number: 10/613,525 Page 2

Art Unit: 1774

Claims 1-27 are rejected under 35 USC 112 (2) as being indefinite in the recital of "a farthest recording layer" (emphasis added). Since only one recording layer can be the "farthest", it is suggested that —the-- be substituted for "a".

Claims 1-27 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 6,982,111 or claims 1-16 of U.S. Patent No. 7,002,887. Although the conflicting claims are not identical, they are not patentably distinct from each other because they disclose the same recording material comprising two sublayers which mix when recorded.

Applicants' terminal disclaimer is not directed to either of these patents.

BRUCE H. HESS
PRIMARY EXAMINER